

January 15, 1974

to audit if he so desires? Can someone answer that? Are we giving away, are we doing away with checks and balances?

PRESIDENT: There doesn't seem to be any response, Senator Nore.

SENATOR NORE: I mean for checks and balances.

PRESIDENT: The chair recognizes Senator Mahoney.

SENATOR MAHONEY: Maybe I can answer Senator Nore's question. I had my light on also to speak and I can take care of both at the same time. There are 37 states and there are 37 states that have gone to this particular type of audit in which, Senator Nore, the Legislature holds this particular part to their responsibility and in order to have checks and balances, it is necessary for this Legislature to have this portion of the post audit with this branch, the legislative end. And, within the last 5 years, this figure has climbed to 37 states because in the research, in the thinking of those 37 states, they had held and reserved this portion. I've seen this Legislature cry out and cry out session after session saying they have lost certain rights, they've lost certain privileges and here in this bill without our complete thinking, we have signed over and taken away the power that this Legislative should keep and maintain for themselves. So, Senator Nore, your question is a good question. It's a question in which we ought to take another look at this thing and do as the 37 states have. They've all headed in the same direction. We're going to delay it another year. We've going to put ourselves off and we're going to give away further rights in which I don't think the members of this Legislature ever intend to do. But, here's a case of where we're taking away the powers that this Legislature should rightfully have and I say this is a good piece of conversation this morning because it's necessary that this particular power that we're giving away should be taken back and placed with this Legislature, that is duly responsible for them in the first place.

PRESIDENT: Senator Marvel.

SENATOR MARVEL: I'd like to respond to the discussion that has gone on. First of all, I'm happy that the Executive branch is now taking interest in the Legislative branch. I think in itself has helped, this does not always occur. That's the first point I'd like to make. Secondly, I do not think we are doing anything to take away the power from the Legislative branch. And, as far as what 37 states have done, we have the only one house Legislature in the United States which means that basically we can innovate in a different manner than most other states. There are times when we should follow other states, there are times when we should not. Now, the way this looks to me is at the moment what we're asking the State Auditor to do, and we put up money to keep up his staff, if to have him bring in those with audit background but also those who will work with us. You know, we're not deserting this operation, we're beefing up the State Auditor's staff and working with this particular staff because we in our budget are adopting programs. Now, what the State Auditor's office, as I understand this, what they would do is to audit to see whether the departments are following these programs. So, in effect, we are working with the State Auditor to give added services to the Legislature. Now, if this does not work, and this is less expensive to try it this way at the moment, if this does not work within the next year or two, we can turn around and create our own staff. We have spent at least 6 months beefing up the legislative fiscal staff. Now, let's let that staff proceed to function and to proceed to gain experience. Let's try beefing up the State Auditor's staff in this area and working together. I think we can find out if this approach will work, if it will not, then we can move into another area.

PRESIDENT: We're ready for the General File debate of LB502. All right, we have some things to get into the Journal. Before we do that though, the chair would like to announce as of 11:00 o'clock, it was 46 degrees outside, a virtual heat wave. All right. The

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